

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VERDELLE WATSON,

Plaintiff,

07 CV 5777 (DLC)

-against-

ANSWER

THE LONG ISLAND RAILROAD COMPANY,

Defendant.

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S I R S :

Defendant, The Long Island Rail Road Company ("LIRR") sued herein as The Long Island Railroad Company, by its attorney, FRANKLIN W. KRONENBERG, ESQ., answering the complaint of plaintiff, alleges upon information and belief:

1. Admits those allegations contained in paragraphs "1," "2," "3", "4" and "5" of the Complaint.

2. Denies each and every allegation contained in paragraph "6" of the Complaint, except to admit that on or about September 22, 2006 and at all times hereinafter mentioned, the defendant maintained and controlled certain railroad operations which included the Truck Shop/Hillside Facility located in Queens, New York.

3. Denies each and every allegation contained in paragraphs "7," "8," and "10" of the Complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "9" of the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

5. Upon information and belief, that if the plaintiff was injured as is alleged in the Complaint, he was injured in whole or in part by reason of his own negligence and without any fault or any negligence on the part of the defendant, its agents, servants and/or employees, and the defendant did not violate any statutes enacted for the safety of its employees.

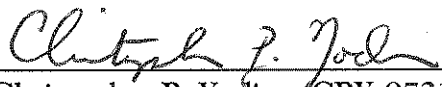
**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

6. Plaintiff failed to mitigate or otherwise act to lessen or reduce the damages alleged in the Complaint.

**WHEREFORE**, defendant demands judgment dismissing the complaint herein together with costs and disbursements of this action.

Dated: Jamaica, New York  
July 25, 2007

**FRANKLIN W. KRONENBERG, ESQ.**  
Acting Vice President/General Counsel & Secretary  
Attorney for Defendant

By:   
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